

## Meeting Protected Species Statutory and Regulatory Requirements - \$2.0M increase

**1. *Desired Outcome:*** What will funding of this initiative accomplish? What problem are we solving?

The Recover Protected Species Program will reduce backlogs in protected species conservation consultations and assessments and develop comprehensive recovery programs as required by law. *Need info on the nature and number of backlogs for Section 7 consultations, critical habitat designations, conservation regulatory impact reviews -- recent critical habitat court decision - implications? What is the nature of need for TRT implementation – court challenges on lack of analyses or delays in implementation?*

**2. *Description of the FY 20003 Initiative:*** Provide a concise description of the problem/issue and its impacts or benefits to RPS resources.

The Recover Protected Species Program is not adequately meeting regulatory requirements, under the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). Funding will support personnel in all NMFS regions, science centers and headquarters to conduct required research, data gathering, analysis, and document preparation to assess the impacts of human activities that affect protected species (ESA Section 7 consultation). These include the range of Federal actions, including management of marine fisheries. The initiative will also support assessment of the environmental and socio-economic impacts, costs and benefits of implementing conservation programs for protected species. These actions include ESA protective regulations (4d rules), required conservation measures, e.g., MMPA marine mammal-fisheries take reduction plans, policies to implement the ESA and MMPA more effectively, and the designation of critical habitat for ESA-listed species.

**3. *What needs to be done by NOAA?*** What activities should NOAA do to implement this initiative? What is NOAA doing now? What are the near and long-term priorities for NOAA's planned actions?

What we do now? - Cooperation with the NMFS sustainable fisheries program is lacking so that when interactions take place they are usually over proposed activities that may affect protected species. Seldom if ever is pre-planning or scoping of impacts of proposed actions undertaken. NMFS operates under authorities or requirements of NEPA, ESA, MMPA and the Magnuson Stevens Act. The requirements of one may satisfy some of the requirements of another given their similar frameworks for assessing and evaluating alternatives and providing opportunities for public review and comment. However, a lack of awareness and coordination has fisheries actions too often proceeding without adequate consideration of protected species impacts. When they do come under scrutiny, the timing is compressed and decisions are rushed. This lack of cooperation is replicated with other Federal agencies (COE, Navy, USFS) to lesser degrees, but only because NMFS is the RPS program's primary client. Similarly, the RPS program has very limited capabilities to meet its own statutory requirement to develop and implement necessary conservation measures (listings conservation rules, policies, designations) and to assess the socio-economic impacts of conservation measures, policies and critical habitat designations on

the human environment.

What activities should we do? - First, we need to improve our ESA and economic impacts assessment capabilities to coordinate with our primary customer, the sustainable fisheries program, so that we can undertake planning and assessment of proposed actions prior to some statutory deadline of MSA or ESA. This will avoid the trainwrecks of two programs operating independent of any awareness or cooperation with one another, until a fishery is closed by a Federal judge for inadequate environmental assessments, or unacceptable impacts to protected species. This capability needs to be extended to our other Federal partners as well.

Secondly, we need to enhance our internal capability to assess the impacts of our own conservation measures to ensure that all costs and benefits are considered. *Lawsuits? Backlogs?* The recover protected species program is responsible for some 60 marine species threatened or endangered with extinction as well as some thirty candidates for ESA listing. *#s of marine mammals – 200 stocks?* Many species have no plan or policy for their recovery, and many have no criteria identified to determine when they are healthy and not threatened or endangered extinction. All require conservation and to do this effectively, requires the resources to assess the impacts of threats and eliminate or mitigate them – See cooperating species program initiatives. and to assess the impacts to the human environment of implementing those conservation measures.

**4. *Who are NOAA's partners in this effort and what are we and they currently doing, and will they do?*** Identify current and planned Federal, state and private partners and the results they've achieved or plan to achieve.

Partners include: NMFS's Sustainable Fisheries Program nationwide, the Department of the Interior's U.S. Fish and Wildlife Service, Federal action agencies (Navy, COE, MMS), Fishery Management Councils. This initiative would strengthen and expand these partnerships.

**5. *What will it cost? What are we currently spending?*** What is current base funding for this initiative? Where is it? What is requested in the FY02 budget proposal (also considered base)? What is the year one ('03) cost (increase over current base funding. What are outyear cost increases – from FY04-07. Specify any personnel and other supporting cost needs. In addition, dedicate appropriate costs to international aspects of conservation, outreach and education, and data management. Build the initiative in incremental blocks for year 1 and for out years. What are the "must have" components of the proposal, e.g., personnel, equipment, etc, and what might be contained in successive pieces.

FY 03 - Costs to implement a two-pronged strategy to assess external program impacts on protected species and to assess RPS program conservation initiatives.

**6. *How will we know if we succeed?*** What results will we see after one year of the proposed funding increase? How will this be different from results of current program funding? How will we measure our success or failure? Use attached framework to identify measurable performance metrics to be accomplished with proposed funding.

**7. *Additional Materials*** - In addition to the proposal, develop talking points and graphics to support the initiative proposal to NOAA and subsequent reviewers in 2-3 overheads/slides. Outline/summary must contain, funding requested, FTEs, summary of the problem, the solution proposed in the initiative, and the results that will be achieved (format to be provided).